

REGULAR MEETING OF THE FAUQUIER COUNTY BOARD OF
SUPERVISORS WAS HELD AUGUST 19, 1997 AT 1:30 P.M. IN WARRENTON,
VIRGINIA

PRESENT: Mr. David C. Mangum, Chairman; Mr. James G. Brumfield, Vice
Chairman; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Larry L. Weeks;
Mr. G. Robert Lee, County Administrator; Mr. Paul S. McCulla, County Attorney

RECYCLING EQUIPMENT PROPOSAL

Benji Brackman from the Department of Solid Waste Management
presented a proposal for the funding of recycling equipment.

REVIEW OF THE PRELIMINARY ENGINEER REPORT FOR THE NEW BALTIMORE SERVICE DISTRICT - WATER AND SANITATION AUTHORITY

Barney Durrett of the Fauquier County Water & Sanitation Authority
reviewed the Preliminary Engineering Report for the New Baltimore Service
District Wastewater Facilities

EXECUTIVE SESSION

Mr. Brumfield moved to go into Executive Session pursuant to Virginia
Code Section 2.1-344(A) (1) for discussion or consideration of personnel matters
and Section 2.1-344(A) (3) for discussion or consideration of acquisition of real
property for public purposes. Mr. Burton seconded, and the vote for the
motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. James G. Brumfield; Mr. Wilbur W.
Burton; Mr. James R. Green, Jr.; Mr. Larry L. Weeks

Nays: None

Absent During Vote: None

Abstention: None

Upon reconvening from Executive Session, Mr. Weeks moved to adopt the
following certification. Mr. Brumfield seconded.

CERTIFICATION OF EXECUTIVE MEETING

WHEREAS, the Fauquier County Board of Supervisors has convened an
executive meeting on this date pursuant to an affirmative recorded vote and in
accordance with the provision of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a
certification by this Board of Supervisors that such executive meeting was
conducted in conformity with Virginia Law; now, therefore, be it

RESOLVED this 19th day of August 1997, That the Fauquier County
Board of Supervisors certifies that, to the best of each member's knowledge (i)
only public business matters lawfully exempted from open meeting requirements
by Virginia law were discussed in the executive meeting to which this certification
resolution applies, and (ii) only such public business matters as were identified in
the motion convening the executive meeting were heard, discussed or
considered by the Fauquier County Board of Supervisors.

VOTE:

Ayes: Mr. David C. Mangum; Mr. James G. Brumfield; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Larry L. Weeks
Nays: None
Absent During Vote: None
Absent During Meeting: None

ADOPTION OF THE AGENDA

Mr. Brumfield moved to adopt the agenda subject to suspending the Board of Supervisors By-Laws and Rules of Procedures, Section 5-1-B to permit additions to the agenda. A Resolution Agreeing to Participate in the Funding of the Fauquier County Water and Sanitation Authority's Project to Provide Wastewater Treatment Services to the New Baltimore Service District" was deferred until the September 2, 1997 Board of Supervisors meeting; A Resolution to Authorize a Donation to Fauquier Habitat for Humanity in an Amount Equivalent to Tipping Fee Disposal Cost for Demolition Debris and Real Estate Taxes Paid on Property Which Would Ordinarily be Tax Exempt was removed from the agenda; and Special Exception - Cecil & Rebecca Campbell - Reduction in Open Space was shifted to the end of the meeting. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. James G. Brumfield; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Larry L. Weeks
Nays: None
Absent During Vote: None
Abstention: None

CITIZENS TIME

Dr. Marilyn Beck of Lord Fairfax Community College thanked the Board for its support throughout the development process of the new campus and for being honorary members. She indicated that the project would be bid on August 24th; plans should be ready by September 1st; and bids would be received on October 1st. Dennis McMullin spoke opposing sewerage in New Baltimore.

Kathleen King spoke opposing sewerage in New Baltimore.

Christine Fox requested any item over \$1,000,000 be subject to public hearing.

Harold Spencer expressed concern about the lack of non-development members on the Ordinance Regulation Advisory Committee (ORAC) Committee.

Chuck Jones, President of Land Trust of Virginia, introduced and described the organization. He expressed interest in meeting for further discussions with Board members.

Bruce Patterson opposed sewerage in New Baltimore.

Debbie Reedy expressed the need for sewerage in New Baltimore due to failing drainfields.

CONSENT AGENDA

Mr. Green moved to adopt the following Consent Agenda items. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. James G. Brumfield; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Larry L. Weeks
Nays: None
Absent During Vote: None
Abstention: None

Approval of the Minutes of the July 15, 1997 Regular Meeting

A Resolution to Promote Community Support for the Expansion of Lord Fairfax Community College in Warrenton, Virginia, and to Designate the Month of September 1997 as Lord Fairfax Community College-Fauquier Campus Dollars for Scholars Month in the County of Fauquier

RESOLUTION

A RESOLUTION TO PROMOTE COMMUNITY SUPPORT FOR THE EXPANSION OF LORD FAIRFAX COMMUNITY COLLEGE IN WARRENTON, VIRGINIA, AND TO DESIGNATE THE MONTH OF SEPTEMBER, 1997, AS "LORD FAIRFAX COMMUNITY COLLEGE - FAUQUIER CAMPUS DOLLARS FOR SCHOLARS MONTH" IN THE COUNTY OF FAUQUIER

WHEREAS, the Fauquier Campus of Lord Fairfax Community College will open its new academic buildings to the community in the Fall of 1998, with a projected enrollment of 1,000 students; and

WHEREAS, with completion of the new campus, our community will have a "full-service" campus that will greatly enhance the quality of life and make available a wide-range of educational activities for citizens from all walks of life with varying educational needs and interests; and

WHEREAS, just as the Middletown Campus, cited by Newsweek Magazine as "one of the best community colleges in the country", has become an active force in business and industry in the Shenandoah Valley, the Fauquier Campus will benefit business, industry and the residents of the Town of Warrenton and Fauquier and Rappahannock Counties; and

WHEREAS, the Fauquier Campus of Lord Fairfax Community College will provide a nationally recognized standard of educational excellence at a reasonable price for its students, offering many degrees and certificate programs; and

WHEREAS, Lord Fairfax students can avail themselves of a high quality academic experience that will allow transfer to Virginia's excellent four-year colleges and to public and private colleges anywhere in the country; and

WHEREAS, the Fauquier Campus will offer its expertise, staff and professors in meeting workforce training needs of local business and industry, advanced educational resources for local educators, and continuing education opportunities for all Fauquier County adults; and

WHEREAS, the College facilities will be available in the community for a wide range of educational, artistic and other community activities; and

WHEREAS, the Lord Fairfax Community College Educational Foundation has established a permanent scholarship program for residents of the Counties of Fauquier and Rappahannock, and has scheduled a Dollars for Scholars fundraising event to be held on September 13, 1997, sponsored by a Fauquier County Citizens' Steering Committee made up of private citizens, business and industry leaders, and the College Educational Foundation; and

WHEREAS, the Fauquier Campus of Lord Fairfax Community College will have a profoundly positive impact on the lives of the citizens of the Town of Warrenton, Fauquier, Rappahannock and surrounding counties, and give our

community true and full access to the benefits of post-secondary education; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of August 1997, That the month of September, 1997, is hereby designated "Lord Fairfax Community College - Fauquier Campus Dollars for Scholars Month" in the County of Fauquier.

FY 1997 Budget Transfers and Supplemental Appropriations

RESOLUTION (FY 97)

A RESOLUTION TO TRANSFER & APPROPRIATE FUNDS

WHEREAS, the Board of Supervisors is charged by the Code of Virginia with the preparation of an annual budget for Fauquier County; and

WHEREAS, this annual budget is a plan of how funds received by the County will be used to meet the needs of the citizens of the County; and

WHEREAS, during the course of the fiscal year certain events occur which necessitate changing the budget plan by increasing a department's total budget; and

WHEREAS, funds needed to increase a department's budget must come from an outside source such as State, Federal, grant or other local sources such as the County's Reserve for Contingency; and

WHEREAS, the Sheriff's Department has requested \$13,643 from the County's General Fund balance to support legal fees; and

WHEREAS, proper justification for these actions has been presented to the Finance Committee; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of August 1997, that the sum of \$ 13,643 be appropriated, and hereby approved as follows:

FROM		
Source	Code	Amount
General Fund Balance	4-100-41900-0010	\$13,642.75
TO		
Department	Code	Amount
Sheriff	4-100-31200-3200	\$13,642.75

A Resolution to Amend the Board of Supervisors Legislative Proposals for the 1998 General Assembly

RESOLUTION

A RESOLUTION TO AMEND THE BOARD OF SUPERVISORS
LEGISLATIVE PROPOSALS FOR THE 1998 GENERAL ASSEMBLY

WHEREAS, the Board of Supervisors adopted its 1998 Legislative Proposals on June 17, 1997; and

WHEREAS, the Fauquier County Library Board of Trustees has

requested that the Board of Supervisors consider the amendment of the Fauquier County Legislative Proposals for 1998 to include a statement of support for legislation that would fully fund the state aid formula for public libraries: and

WHEREAS, the Board of Supervisors joins the Library Board of Trustees in endorsing legislation to fully fund the state's commitment to local library systems; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th days of August 1997, That the Board of Supervisors does hereby amend the 1998 Fauquier County Legislative Proposals to add the following item relating to library funding.

Library Funding: Fauquier County supports legislation that will fully fund the state aid formula for public libraries.

A Resolution to Combine Two Part-Time, Permanent Positions to One Part-Time, Permanent Position in the Public Library

RESOLUTION

A RESOLUTION TO COMBINE TWO PART-TIME PERMANENT POSITIONS TO ONE PART-TIME PERMANENT POSITION FOR FAUQUIER COUNTY'S PUBLIC LIBRARY

WHEREAS, one part-time permanent 12 hour per week Librarian I position was established for Fauquier County's Public Library; and

WHEREAS, one part-time permanent 16 hour per week Librarian I position was established for Fauquier County's Public Library; and

WHEREAS, the two part-time permanent positions will create one 28 hour per week part-time Librarian I position; and

WHEREAS, the combination of these positions will enhance the Public Library's ability to attract qualified candidates, and decrease advertising and training costs for the Public Library; and

WHEREAS, this combination will have a positive effect on the Library's operating budget; and

WHEREAS, additional funds are not required for the General Fund; and

WHEREAS, the position will continue to provide a valuable service to the citizens of Fauquier County; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of August 1997, That two part-time permanent Librarian I positions be, and are hereby, converted to one part-time permanent Librarian I position, effective August 1, 1997; and be it

RESOLVED FURTHER, That the Public Library will follow the procedures set forth in the County Personnel Policy and Pay Classification Plan.

A Resolution to Adopt the Employee Mediation Program

RESOLUTION

A RESOLUTION TO ADOPT THE EMPLOYEE MEDIATION PROGRAM

WHEREAS, it is an objective of Fauquier County Government to maintain effective employee relations; and

WHEREAS, to enhance this objective, mediation is offered to all general County Government employees as an alternative means of addressing and resolving workplace disputes; and

WHEREAS, mediation is a voluntary process and is independent of any grievance rights an employee may have; and

WHEREAS, all mediation sessions will be held in privacy and are strictly confidential; and

WHEREAS, The Personnel Department will be the office of record and will oversee the mediation program; and

WHEREAS, Piedmont Dispute Resolution Center will be the agency that administers the Employee Mediation Program; now, therefore, be it ; and

RESOLVED by the Fauquier County Board of Supervisors this 19th day of August 1997, That the Employee Mediation Program, be, and is hereby, approved; and be it

RESOLVED FURTHER, That the County Administrator, or his designee, direct the administration of the Employee Mediation Program in accordance with applicable Fauquier County policies and procedures.

A Resolution to Authorize Frederick Carr to Serve as Agent for Subdivision Administration and as Co-Zoning Administrator

RESOLUTION

A RESOLUTION TO DESIGNATE ALTERNATIVE AGENTS
FOR SUBDIVISION ORDINANCE AND ZONING ORDINANCE
ADMINISTRATION

WHEREAS, Chapter 11, Code of Virginia authorizes the Board to designate an agent for Subdivision Ordinance Administration and a Zoning Administrator; and

WHEREAS, due to personnel changes the Board desires to amend previous designations; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of August 1997, That the following designations are made:

Co-Zoning Administrator - Frederick P.D. Carr

Co-Zoning Administrator - Carolyn G. Bowen

Agent for Subdivision Ordinance Administration - Frederick P.D. Carr

Agent for Subdivision Ordinance Administration - Fred R. Hodgson

Agent for Subdivision Ordinance Administration in the absence of Mr. Carr and Mr. Hodgson - Carolyn B. Bowen

BE IT FURTHER RESOLVED, That these designations supersede all previous designations.

Morgan Oil Corporation Final Site Plan

No action was taken.

Approval of Position Reclassification and Class Specification for Deputy County Administrator Position

RESOLUTION

A RESOLUTION TO AUTHORIZE THE DEPUTY COUNTY ADMINISTRATOR POSITION RECLASSIFICATION

WHEREAS, the Board of Supervisors is charged by the code of Virginia with the preparation of an annual budget for Fauquier County; and

WHEREAS, this annual budget is a plan of how funds received by the County will be used to meet the needs of the citizens of the County; and

WHEREAS, during the course of the fiscal year certain events occur which necessitate changing the budget plan by increasing a department's total budget; and

WHEREAS, a reclassification from Assistant County Administrator, grade 34, to Deputy County Administrator, grade 36, has been recommended by David M. Griffith, & Associates, Ltd., as part of the Board approved pay plan and position classification system; and

WHEREAS, funds needed to increase a department's budget must come from an outside source such as State, Federal, grant or other local sources such as the County's Reserve for Contingency; and

WHEREAS, proper justification for this action has been presented to the Board of Supervisors; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of August 1997, That the submitted position reclassification is approved for incorporation into the pay plan with an effective date of September 1, 1997; and be it

RESOLVED FURTHER, by the Fauquier County Board of Supervisors this 19th day of August 1997, That the sum of \$3,221.03 be transferred to the appropriate department effective September 1, 1997.

A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION TO THE VIRGINIA PUBLIC SCHOOL AUTHORITY FOR A LOAN IN THE PRINCIPAL AMOUNT OF \$3,500,000

Mr. Burton moved to adopt the following resolution. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. James G. Brumfield; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Larry L. Weeks

Nays: None

Absent During Vote: None

Abstention: None

RESOLUTION

A RESOLUTION AUTHORIZING THE FILING OF AN
APPLICATION TO THE VIRGINIA PUBLIC SCHOOL
AUTHORITY FOR A LOAN IN THE PRINCIPAL AMOUNT OF \$3,500,000

WHEREAS, the Board of Supervisors (the "Board") of Fauquier County (the "County"), in collaboration with the Fauquier County School Board, has determined that it is necessary and desirable for the County to undertake certain capital improvements for its public school system;

BE IT RESOLVED, by the Board of Supervisors of Fauquier County Virginia:

1. The Board hereby authorizes the filing of an application to the Virginia Public School Authority for a loan to the County in the principal amount of \$3,500,000 to finance capital improvements for its public school system. The County Administrator, in collaboration with other officers of the County and Fauquier County School Board, is hereby authorized and directed to complete such application and deliver it to the Virginia Public School Authority.

2. This resolution shall take effect immediately.

Mr. Brumfield moved to adopt the following resolution authorizing reimbursement of expenses for Cedar Lee Middle School. Mr. Burton seconded and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. James G. Brumfield; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Larry L. Weeks

Nays: None

Absent During Vote: None

Abstention: None

RESOLUTION

RESOLUTION OF OFFICIAL INTENT TO REIMBURSE
EXPENDITURES WITH PROCEEDS OF A BORROWING

WHEREAS, the Fauquier County, Virginia (the "County"), intends to undertake certain capital improvements for its public school system, including improvements to Cedar Lee Middle School (the "Project");and

WHEREAS, plans for the Project have advanced and the County expects to advance its own funds to pay expenditures related to the Project (the "Expenditures") prior to incurring indebtedness and to receive reimbursement for such Expenditures from proceeds of tax-exempt bonds to be issued by the County (the "Bonds");

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF FAUQUIER COUNTY, VIRGINIA:

1. The County intends to issue the Bonds, or to incur other debt, to pay the costs of the Project in a maximum principal amount not to exceed \$3,500,000.

2. The county intends that the proceeds of the Bonds be used to reimburse the County for Expenditures with respect to the Project made on or after July 1, 1997, which date is no more than 60 days prior to the date hereof. The County reasonably expects on the date hereof that it will reimburse the

Expenditures with the proceeds of the Bonds.

3. Each Expenditures was or will be, unless otherwise approved by bond counsel, either (1) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditure), (2) a cost of issuance with respect to the Bonds, (3) a nonrecurring item that is not customarily payable from current revenues, or (4) a grant to a party that is not related to or an agent of the County so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the County.

4. The County intends to make a reimbursement allocation, which is a written allocation by the County that evidences that County's use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditures is paid. The County recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain de minimis amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction of at least five years.

5. The County intends that the adoption of this resolution confirms the "official intent" within the meaning of Treasury Regulations Section 1.150-2 promulgated under the Internal Revenue Code of 1986, as amended.

6. This resolution shall take effect immediately upon its passage.

WARRENTON-FAUQUIER AIRPORT LAND ACQUISITION PROJECT

Mr. Burton moved to adopt the following resolution. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

Ayes:	Mr. David C. Mangum; Mr. James G. Brumfield; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Larry L. Weeks
Nays:	None
Absent During Vote:	None
Abstention:	None

RESOLUTION

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO APPLY FOR AIRPORT LAND ACQUISITION GRANT FUNDS FOR FEDERAL FISCAL YEAR 1997 IN THE TOTAL AMOUNT OF \$608,850.00 FOR THE ACQUISITION OF LAND NECESSARY TO EXPAND THE WARRENTON-FAUQUIER AIRPORT AND TO AUTHORIZE THE COUNTY ADMINISTRATOR TO ACQUIRE SAID LANDS BY PURCHASE OR CONDEMNATION AND TO RATIFY THE CONTRACT TO ACQUIRE 1.7269 ACRES OF LAND TITLED IN THE NAME OF HARRY LEE WEBSTER FOR AIRPORT EXPANSION PURPOSES

WHEREAS, the Board of Supervisors of Fauquier County has adopted a Master Plan for the Warrenton-Fauquier Airport which provides for expansion of the airport; and

WHEREAS, the Federal Aviation Administration (FAA) has allocated \$608,850.00 in Fiscal Year 1997 grant funds available for land acquisition at the

airport; and

WHEREAS, the Fauquier County Board of Supervisors Airport Committee has recommended that the Board of Supervisors submit an application for the \$608,850.00 in FAA FY1997 grant funds for the purpose of acquiring the hereinafter described land for the expansion of the airport:

NAME	PIN	ACREAGE
Harry Lee Webster	7819-05-2089	1.7269 acres
William J. & Janice M. Pfamatter	7809-95-2820	5.0905 acres
William J. & Janice M. Pfamatter	7809-95-1226	11.50 acres
John W. & Linda Cantrell	7809-95-4740	2.8800 acres
Mary T. Kincheloe, Trustee	A portion of 7819-15-2817	57.2667 acres; and

WHEREAS, the Fauquier County Board of Supervisors Airport Committee has recommended that the County of Fauquier immediately institute land acquisition procedures to acquire, by purchase or condemnation, the heretofore described property for the purpose of expanding the Warrenton-Fauquier Airport; and

WHEREAS, the Fauquier County Board of Supervisors Airport Committee has recommended that the County of Fauquier institute at this time land acquisition, by purchase or condemnation, of the hereinafter described land and seek reimbursement for land acquisition costs as part of the FAA FY98 grant funding process:

NAME	PIN	ACREAGE
J. Gordon Kincheloe, Trustee	A portion of 7809-88-9175	41.2731 acres;

and

WHEREAS, David C. Mangum, Chairman of the Fauquier County Board of Supervisors, has executed a contract dated July 24, 1997, to purchase the 1.7269 acres of land titled in the name of Harry Lee Webster, said property being identified as PIN 7819-05-2089, a copy of which contract is attached to this resolution; and

WHEREAS, the contract to purchase the Webster property is subject to ratification by the Board of Supervisors of Fauquier County; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of August 1997, That the County Administrator be, and is hereby, authorized to execute and submit prior to September 1, 1997, a grant application for FAA FY1997 grant funds in the amount of \$608,850.00 for the purpose of acquiring land to expand the Warrenton-Fauquier Airport; and, be it

RESOLVED FURTHER, That the contract dated July 24, 1997, to purchase the 1.7269 acres of land titled in the name of Harry Lee Webster and identified as PIN 7819-05-2089 be, and is hereby, ratified; and, be it

RESOLVED FURTHER, That the County Administrator be, and is hereby, authorized to execute such settlement documents and to expend funds from the Capital Projects Fund as are necessary to purchase the aforesaid Webster property, subject to the reimbursement of funds from FAA FY1997 grant funds; and, be it

RESOLVED FURTHER, That the County Administrator be, and is hereby, directed to offer to purchase for fair market value the following described

properties for purposes of expansion of the airport:

NAME	PIN	ACREAGE
William J. & Janice M. Pfamatter	7809-95-2820	5.0905 acres
William J. & Janice M. Pfamatter	7809-95-1226	11.50 acres
John W. & Linda Cantrell	7809-95-4740	2.8800 acres
Mary T. Kincheloe, Trustee	A portion of 7819-15-2817	57.2667 acres
J. Gordon Kincheloe, Trustee	A portion of 7809-88-9175	41.2731 acres;

and, be it

RESOLVED FURTHER, That should the owners of the aforesaid lands refuse the offer of fair market value, the County Administrator be, and is hereby, authorized to take all actions necessary to institute eminent domain proceedings to acquire any of the above described parcels in which the County's good faith offer has been rejected; and, be it

RESOLVED FINALLY, That the County Administrator be, and is hereby, authorized to execute such settlement documents or eminent domain court pleadings as are necessary to acquire title to the aforesaid properties and is hereby authorized to expend such funds from the Capital Project Fund as are necessary to acquire the aforesaid lands, subject to reimbursement from FAA FY97 and FY98 grant funds.

A RESOLUTION EXPRESSING SUPPORT FOR FEDERAL, STATE AND LOCAL EFFORTS TO PROVIDE FISH PASSAGE AT EMBREY DAM ON THE RAPPAHANNOCK RIVER

Mr. Green moved to adopt the following resolution. Mr. Brumfield seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. James G. Brumfield; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Larry L. Weeks

Nays: None

Absent During Vote: None

Abstention: None

RESOLUTION

A RESOLUTION EXPRESSING SUPPORT FOR FEDERAL, STATE AND LOCAL EFFORTS TO PROVIDE FISH PASSAGE AT EMBREY DAM ON THE RAPPAHANNOCK RIVER

WHEREAS, the Embrey Dam on the Rappahannock River above Fredericksburg was built in 1910 to divert water to that City's water treatment plant; and

WHEREAS, the City of Fredericksburg and the County of Spotsylvania are building a new water treatment plant that will supplant the need for Embrey Dam; and

WHEREAS, Embrey Dam blocks the passage of many species of commercially and recreationally valuable migratory species of fish including rockfish, shad and herring; and

WHEREAS, providing a fish passage at Embrey Dam would open hundreds of river miles of additional spawning area and habitat to these valuable

species leading to an increase in their numbers; and

WHEREAS, increasing the habitat for these species will have benefits for the natural resources of not only the Rappahannock River but also for its tributaries and areas in other parts of Virginia as well; and

WHEREAS, fish passage will benefit economies through increased recreational and commercial fisheries everywhere in the basin and in other parts of the Commonwealth by allowing migratory fish to reach areas above the dam and by increasing their numbers below the dam including in the Chesapeake Bay; and

WHEREAS, as a community that is part of the Rappahannock River Basin community of jurisdictions, it is important to support efforts that will have beneficial consequences throughout the basin even though the action to be taken may not be in this jurisdiction; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of August 1997, That the Board express its support for federal, state and local efforts to provide fish passage at Embrey Dam and expresses its encouragement that such efforts proceed as expeditiously as possible, taking into consideration the local and basin-wide needs, implications and benefits; and

RESOLVED FURTHER, That the Commonwealth of Virginia be, and is hereby, requested to participate in and contribute resources for efforts to provide fish passage at Embrey Dam and to work closely with the localities of the Rappahannock River Basin in doing so.

APPOINTMENTS

Mr. Brumfield moved to reappoint James Janoski to the Parks and Recreation Board for a two-year term to expire September 14, 1999. Mr. Green seconded, and the vote was for the motion unanimous as follows:

Ayes:	Mr. David C. Mangum; Mr. James G. Brumfield; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Larry L. Weeks
Nays:	None
Absent During Vote:	None
Abstention:	None

Mr. Weeks moved to appoint Bruce Lelacheur to the Affordable Housing Committee. Mr. Brumfield seconded, and the vote for the motion was unanimous as follows:

Ayes:	Mr. David C. Mangum; Mr. James G. Brumfield; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Larry L. Weeks
Nays:	None
Absent During Vote:	None
Abstention:	None

Mr. Green moved to appoint Mr. Burton as an alternate for the Rappahannock River Study Committee. Mr. Brumfield second, and the vote for the motion was unanimous as follows:

Ayes:	Mr. David C. Mangum; Mr. James G. Brumfield; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Larry L. Weeks
Nays:	None
Absent During Vote:	None

Abstention: None

PROPOSED RESOLUTION TO GRANT AN EASEMENT ON MONROE PARK
TO RAPPAHANNOCK ELECTRIC COOPERATIVE

A public hearing was held to consider a request for an easement grant on Monroe Park to Rappahannock Electric Cooperative. No one spoke. The public hearing was closed. Mr. Mangum moved to adopt the following resolution. Mr. Weeks seconded; and the vote for the motion was 4 to 0, as follows:

Ayes: Mr. David C. Mangum; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Larry L. Weeks

Nays: None

Absent During Vote: Mr. James G. Brumfield

Abstention: None

RESOLUTION

A RESOLUTION APPROVING UTILITY EASEMENTS

WHEREAS, the Fauquier County Department of Parks and Recreation wishes to bury above-ground power lines in conjunction with improvements to Monroe Park; and

WHEREAS, a public hearing was held this 19th day of August, 1997, to consider public comments regarding the intent of the Board of Supervisors to grant an easement to permit the burial of electric service lines; and

WHEREAS, the Board of Supervisors has determined that it is in the public's interest to grant an easement to Rappahannock Electric Cooperative for the purposes of transmission of electric power; now, therefore, be it

RESOLVED, by the Board of Supervisors of Fauquier County this 19th day of August, 1997, That the County Administrator is authorized to execute an easement to Rappahannock Electric Cooperative to permit the above and underground transmission of electric power.

FAUQUIER COUNTY CODE AMENDMENT - SECTION 13-19

A public hearing was held to consider a request for removal, storage and owner accountability for wrecked vehicles left on roadways. Harold Dutton spoke in favor of the amendment, but requested language that protected vehicle owners be included in the resolution. No one else spoke. The public hearing was closed. A motion was made to adopt the resolution with the noted language protection, but was retracted and tabled until September 2, 1997 to consider proposed amendments.

ZONING ORDINANCE TEXT AMENDMENTS TO IMPLEMENT CERTAIN
RECOMMENDATIONS OF THE FAUQUIER COUNTY ORDINANCE AND
REGULATION ADVISORY COMMITTEE

Section 6-104.7 - Satellite Antennas

A public hearing was held to consider a Zoning Ordinance Text amendment to Section 6-104.7 to delete use limitations for satellite antennas.

No one spoke. The public hearing was closed. Mr. Green moved to adopt the following ordinance. Mr. Burton seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. James G. Brumfield; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Larry L. Weeks

Nays: None

Absent During Vote: None

Abstention: None

ORDINANCE

AN ORDINANCE TO AMEND SECTION 6-104 OF THE
ZONING ORDINANCE TO DELETE USE LIMITATIONS
ON SATELLITE ANTENNAS

WHEREAS, the Fauquier County Zoning Ordinance currently requires a zoning permit for satellite antennas based on a list of use limitations found in Section 6-104; and

WHEREAS, it is the view of staff and the Ordinance and Regulation Advisory Committee (ORAC) that today's satellite technology has made these use limitations obsolete, largely unnecessary, and difficult to enforce; and

WHEREAS, on June 26, 1997, the Planning Commission, subsequent to a May 29, 1997, public hearing, recommends deletion of the use limitations; and

WHEREAS, the Board of Supervisors, following a public hearing on August 19, 1997, agrees with the Planning Commission's recommendation; and

WHEREAS, the Board of Supervisors now wishes to adopt the ordinance amending Section 6-104; and

WHEREAS, by the adoption of this Ordinance the Board of Supervisors has determined that the public necessity, convenience, general welfare, or good zoning practice is satisfied by these amendments to the Fauquier County Zoning Ordinance; now, therefore, be it

ORDAINED, by the Fauquier County Board of Supervisors this 19th day of August, 1997, That paragraphs A through F of Section 6-104 of the Fauquier County Zoning Ordinance, be, and are hereby, deleted.

Section 3-301 - Efficiency and Family Apartments

A public hearing was held to consider a Zoning Ordinance Text amendment to Section 3-301 relating to permits for efficiency and family apartments to make these administrative permits instead of special permits. Barbara Severn spoke requesting that neighbors be notified. No one else spoke. The public hearing was closed. Mr. Burton moved to adopt the following ordinance with the establishment of neighbor notification. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. James G. Brumfield; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Larry L. Weeks

Nays: None

Absent During Vote: None

Abstention: None

ORDINANCE

AN ORDINANCE TO AMEND SECTIONS OF
THE ZONING ORDINANCE RELATING TO PERMITS
FOR EFFICIENCY AND FAMILY APARTMENTS

WHEREAS, the Fauquier County Zoning Ordinance currently requires a zoning permit for efficiency and family apartments; and

WHEREAS, it is the view of staff and the Ordinance and Regulation Advisory Committee (ORAC) that review by the Board of Zoning Appeals (BZA) is not necessary and is unduly time consuming for an applicant; and

WHEREAS, it is recommended that the requirement for a BZA zoning permit be replaced by an administrative permit requirement; and

WHEREAS, on June 26, 1997, the Planning Commission, subsequent to a May 29, 1997, public hearing, recommends this change; and

WHEREAS, the Board of Supervisors, following a public hearing on August 19, 1997, agrees with the Planning Commission's recommendation; and

WHEREAS, the Board of Supervisors now wishes to adopt the ordinance amending Sections 3-301, 5-104, and 5-105; and

WHEREAS, by the adoption of this Ordinance the Board of Supervisors has determined that the public necessity, convenience, general welfare, or good zoning practice is satisfied by these amendments to the Fauquier County Zoning Ordinance; now, therefore, be it

ORDAINED, by the Fauquier County Board of Supervisors this 19th day of August, 1997, That Sections 3-301, 5-104, and 5-105 of the Fauquier County Zoning Ordinance, be, and are hereby, amended in accordance with the attached amendments:

AMENDMENTS TO THE ZONING ORDINANCE RELATING
TO PERMITS FOR EFFICIENCY AND FAMILY APARTMENTS

1. Amend Section 3-301.2(4), Apartment, efficiency, to change the requirement for a special permit (SP) to an administrative permit (A).
2. Amend Section 3-301.2(5), Apartment, family, to change the requirement for a special permit (SP) to an administrative permit (A).
3. Amend the Section 5-104 subtitle to read: Standards for an administrative permit for an Efficiency Apartment.
4. Amend the Section 5-105 subtitle to read: Standards for an administrative permit for a Family Apartment.

Section 5-901 - Special Exceptions and Permits for Outdoor Recreational Uses

A public hearing was held to consider a Zoning Ordinance Text amendment to Section 5-901 to eliminate the three year time limit for special exceptions and permits granted for outdoor recreational uses. Gary Cordova of the Cedar Run District spoke in favor of the change. Harold Dutton spoke in opposition. The public hearing was closed. Mr. Brumfield moved to adopt the following ordinance. Mr. Burton seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. James G. Brumfield; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Larry L. Weeks
Nays: None
Absent During Vote: None
Abstention: None

ORDINANCE

AN ORDINANCE TO AMEND SECTION 5-901 OF THE ZONING
ORDINANCE TO DELETE AUTOMATIC TIME LIMITS ON
PERMITS FOR OUTDOOR RECREATIONAL USES

WHEREAS, Section 5-901 of the Fauquier County Zoning Ordinance currently imposes a maximum three-year time limit on the validity of permits granted for category nine outdoor recreational uses; and

WHEREAS, it is the view of staff and the Ordinance and Regulation Advisory Committee (ORAC) that this automatic time limit causes difficulties in obtaining financing for major improvements that are often a component of outdoor recreational uses; and

WHEREAS, staff and the ORAC note that deletion of the automatic time limit does not prevent the Board of Zoning Appeals or the Board of Supervisors from establishing time limits as a condition of permit approval; and

WHEREAS, on June 26, 1997, the Planning Commission, subsequent to a May 29, 1997, public hearing, recommends deletion of the permit time limitations; and

WHEREAS, the Board of Supervisors, following a public hearing on August 19, 1997, agrees with the Planning Commission's recommendation and now wishes to adopt the amendment deleting the restriction; and

WHEREAS, by the adoption of this Ordinance the Board of Supervisors has determined that the public necessity, convenience, general welfare, or good zoning practice is satisfied by these amendments to the Fauquier County Zoning Ordinance; now, therefore, be it

ORDAINED, by the Fauquier County Board of Supervisors this 19th day of August, 1997, That paragraphs one and two of Section 5-901 of the Fauquier County Zoning Ordinance, be, and are hereby, deleted as shown in the attached amendments:

AMENDMENTS TO ZONING ORDINANCE SECTION 5-901 RELATING TO
STANDARDS FOR ALL CATEGORY 9 USES

Delete paragraphs one and two and renumber current paragraph three as new number one as shown below:

Would read as follows:

1. No permit for any of the following uses shall be granted for a period of greater than three (3) years. Such permit may be extended in conformance with the provisions of Section 012 above, not to exceed three (3) successive periods of one (1) year each. At the expiration of six (6) years from the date the original permit was issued, the permit shall be subject to renewal in accordance with the provisions set forth in Section 013 above.
2. Notwithstanding anything contained in the preceding section, after the

initial special exception period of three (3) years the holder of a special exception granted under Section 3-309.14, 3-309.15 or 3-309.16 may at its election, apply to have its permit renewed for additional five (5) year periods. The procedure for renewal shall be the same as specified in Section 5-009 above. An applicant for renewal may include within its application for renewal a request for amendment to the original special exception to add additional Category 9 uses. After an initial five year renewal an applicant may request and the Board of Supervisors may grant a renewal for a period of greater than five years, including an indefinite period. If such a renewal is granted the holder of the special exception shall submit to the Board once every five years thereafter a report documenting that the use of the property as approved by the special exception is in full compliance with all requirements of law with respect to the maintenance and conduct of the use, with all of the requirements and standards of this ordinance and with all conditions of the special exception that were designated in issuing the same. If at any time the Board determines that the use of the property is not in compliance, it may initiate action to revoke the special exception in accordance with Section 5-015 above.

3. 1.No off-street parking or loading space shall be located within fifty (50) feet of any adjoining property which is in a Residential District.

Site Plan Ordinance - Article 12

A public hearing was held to consider a Zoning Ordinance Text amendment to the Site Plan Ordinance, Article 12, to clarify certain elements of the site plan process and to allow administrative approval of all site plans by the Director of Community Development or his designated agent. Bob Sowder, Merle Fallon, Debbie Reedy, Owen Bludau, Joe Winkleman and Jim Harris spoke in favor of the amendment. Kathleen King, David Rosenthal (speaking for Tom Higginson), Chuck Megvitz, Harold Dutton and Kitty Smith spoke in opposition. Sanford Aubin requested that the Board consider tabling the decision until the Fiscal Impact Model is in place. Barbara Severn expressed concern regarding public notification. The public hearing was closed. Mr. Weeks moved that any decision be postponed until after a work session on September 16, 1997. Mr. Green seconded. Mr. Weeks then modified the motion to have the decision postponed until September 2, 1997. Mr. Mangum seconded, and the vote for the motion was unanimous as follows:

Ayes:	Mr. David C. Mangum; Mr. James G. Brumfield; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Larry L. Weeks
Nays:	None
Absent During Vote:	None
Abstention:	None

Sections 3-312.3 and 3-312.4 - Shopping Centers

A public hearing was held to consider a Zoning Ordinance Text amendment to Section 3-312.3 and 3-312.4 to allow certain structures defined as "shopping centers" in other than the C-3 zoning district. Merle Fallon, Ron Merzlak and Dawn Merzlak spoke in favor of the amended change. No one spoke. The public hearing was closed. Mr. Burton moved to adopt the following ordinance; Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

Ayes:	Mr. David C. Mangum; Mr. James G. Brumfield; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Larry L. Weeks
Nays:	None
Absent During Vote:	None

Abstention: None

ORDINANCE

AN ORDINANCE TO AMEND ARTICLE 3 OF THE ZONING ORDINANCE RELATING TO COMMERCIAL RETAIL USES

WHEREAS, Sections 3-312.3 and 3-312.4 of the Fauquier County Zoning Ordinance restricts commercial uses in the C-1 and C-2 zoning districts to single use buildings and do not allow groupings of uses in a structure separated by a party wall and sharing common parking, since grouping of uses in a single structure is defined as a shopping center regardless of the size of the building; and

WHEREAS, it is the view of staff and the Ordinance and Regulation Advisory Committee (ORAC) that while the Article 15 definition of a shopping center is valid, the Article 3 applications has the unintended and undesirable consequence of not allowing small, multiple-but-separate commercial uses in a single structure; and

WHEREAS, on June 26, 1997, the Planning Commission, subsequent to a May 29, 1997, public hearing, recommends amendments to Section 3-312 to correct this problem; and

WHEREAS, the Board of Supervisors, following a public hearing on August 19, 1997, agrees with the Planning Commission's recommendation and now wishes to adopt the proposed amendments; and

WHEREAS, by the adoption of this Ordinance the Board of Supervisors has determined that the public necessity, convenience, general welfare, or good zoning practice is satisfied by these amendments to the Fauquier County Zoning Ordinance; now, therefore, be it

ORDAINED, by the Fauquier County Board of Supervisors this 19th day of August, 1997, That Sections 3-312.3 and 3-312.4 of the Fauquier County Zoning Ordinance, be, and are hereby, amended as follows:

ZONING ORDINANCE TEXT AMENDMENTS TO ARTICLE 3 RELATING TO COMMERCIAL RETAIL USES

The following amendments are proposed:

Section 3-312, Commercial Retail

1. Subsection 3, change to read:
3. Retail sales establishment and shopping center less than 5,000 sq. ft.
2. Subsection 3, add the use as amended above as a permitted use (P) in the C-2 district.
3. Subsection 4, change to read:
4. Retail sales establishment and shopping center 5,000 sq. ft or greater but less than 75,000 sq. ft..

Article 15 - Definition of Minor Residential Developments

A public hearing was held to consider a Zoning Ordinance Text amendment to Article 15, Definition of Minor Residential Developments, to eliminate all special exception requirements for residential developments in

service districts. Mr. Charles Hall spoke on behalf of the Planning Commission. Julian Sheer expressed his view that the motivation to act on these ordinances to appear before the Sub-Committee in Richmond is unfounded. Bob Sowder spoke in favor of the amendment. Harry Atherton, Marian Anther, Kathleen King, Kitty Smith, Bill Echo, Jim Stone, Katherine Hayes, Bill Downey, Joe Winkleman, Chuck Medvitz, Harold Dutton, and Richard Gookin spoke in opposition. The public hearing was closed. Mr. Weeks moved to deny the proposed amendment. Mr. Green seconded. After discussion, the motion was withdrawn. Mr. Burton moved that any decision be tabled until the Board could meet with the Planning Commission at a work session on September 2, 1997. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. James G. Brumfield; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Larry L. Weeks

Nays: None

Absent During Vote: None

Abstention: None

Section 13-202 - Comprehensive Plan Amendments

A public hearing was held to consider a Zoning Ordinance Text amendment to Section 13-202 to allow the submission of Comprehensive Plan amendments twice a year. Merle Fallon spoke in favor of the amendment. No one else spoke. The public hearing was closed. Mr. Green moved to adopt the following ordinance. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. James G. Brumfield; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Larry L. Weeks

Nays: None

Absent During Vote: None

Abstention: None

ORDINANCE

AN ORDINANCE TO AMEND SECTION 13-202 OF
THE ZONING ORDINANCE TO ALLOW SUBMISSION OF
COMPREHENSIVE PLAN AMENDMENTS TWICE A YEAR

WHEREAS, the Fauquier County Zoning Ordinance currently allows members of the public to submit Comprehensive Plan amendment requests only once a year; and

WHEREAS, it is the view of staff and the Ordinance and Regulation Advisory Committee (ORAC) that this is unnecessarily restrictive and that there should be an opportunity for submissions twice a year; and

WHEREAS, on June 26, 1997, the Planning Commission, subsequent to a May 29, 1997, public hearing, recommends an amendment to allow Comprehensive Plan amendment submission twice a year; and

WHEREAS, the Board of Supervisors, following a public hearing on August 19, 1997, agrees with the Planning Commission's recommendation; and

WHEREAS, the Board of Supervisors now wishes to adopt the ordinance amending Section 13-202 (4)A; and

WHEREAS, by the adoption of this Ordinance the Board of Supervisors

has determined that the public necessity, convenience, general welfare, or good zoning practice is satisfied by these amendments to the Fauquier County Zoning Ordinance; now, therefore, be it

ORDAINED, by the Fauquier County Board of Supervisors this 19th day of August, 1997, That Section 13-202 (4) A of the Fauquier County Zoning Ordinance, be, and are hereby, amended as follows:

ZONING ORDINANCE TEXT AMENDMENT TO ALLOW SUBMISSION
OF COMPREHENSIVE PLAN AMENDMENTS TWICE A YEAR

The following amendment is proposed:

Amend Section 13-202 (4) A to read:

A. Comprehensive Plan amendments will be processed twice a year with January 1 and July 1 being the filing deadline. Comprehensive Plan amendments shall be submitted to the Department of Community Development Planning Office.

SPECIAL EXCEPTION - BETTY S. HOMEYER, OWNER, AND GARY
CORDOVA, APPLICANT - ALTERNATIVE WASTEWATER DISPOSAL
SYSTEM

A public hearing was held to consider a request for special exception approval from Betty S. Homeyer, Owner, and Gary Cordova, Applicant, to allow an alternative wastewater system and to discharge treated domestic waste into Brown's Run to serve a public golf course on a 166.0122 acre parcel. The property is located on the southwest side of Rogues Road (Route 602) near its intersection with Blackwelltown Road (Route 646) near Midland, PIN #7808-67-5339-000, Lee District. Wayne Stevens spoke in favor of the special exception. No one else spoke. The public hearing was closed. Mr. Mangum moved to adopt the following resolution. Mr. Brumfield seconded, and the vote for the motion was 4-0, as follows:

Ayes:	Mr. David C. Mangum; Mr. James G. Brumfield; Mr. Wilbur W. Burton; Mr. Larry L. Weeks
Nays:	None
Absent During Vote:	Mr. James R. Green, Jr.
Abstention:	None

RESOLUTION

A RESOLUTION TO APPROVE SPECIAL EXCEPTION
KASTLE GREENS - ALTERNATIVE WASTEWATER SYSTEM

WHEREAS, Betty S. Homeyer, Property Owner, and Gary Cordova, Applicant, have filed an application for a special exception to allow an alternative wastewater system, recirculating sand filter, and to discharge treated domestic waste into Brown's Run to serve a public golf course pursuant to Section 3-320.7 of the Fauquier County Zoning Ordinance; and

WHEREAS, the Special Exception Application of Betty S. Homeyer, Property Owner, and Gary Cordova, Applicant, has been properly filed and all required notices of the public hearing have been properly made, and the applicant has presented evidence both oral and documentary, and the staff has a filed staff report, all indicating compliance with the general standards for special exception as set forth in Article 5 of the Zoning Ordinance and the Board

further finds that the more restrictive standards of Article 5-2600 of said Zoning Ordinance are met in this application; and

WHEREAS, the Fauquier County Planning Commission held a public hearing June 26, 1997 on this special exception request and recommended approval; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of August, 1997, That the Special Exception for Kastle Greens - Alternative Wastewater System (PIN 7808-67-5339-000), be and is hereby, approved subject to the following conditions:

1. The treated wastewater generated by the proposed use shall be disposed of by spray (VHD GMP74) unless such a system cannot be permitted by the Health Department.
2. This approval shall be for the location and operation of the recirculating sand filtration system and to discharge, if necessary, treated waste into Brown's Run or a tributary thereof.
3. The system shall remain in conformance with all County and State Department of Health requirements at all times.
4. Health Department guidelines for the maintenance of the systems and the frequency of system monitoring shall be followed.
5. Regular monitoring of the system shall be performed and results furnished to the local office of the Health Department. If the samples are not taken according to the maintenance and monitoring agreement or if the system is not performing up to standards and not corrected, the special exception shall be voided.

COMPREHENSIVE PLAN AMENDMENT - ALAN D. AND WARREN B. EARLY, TRUSTEE

A public hearing was held to consider a Comprehensive Plan amendment for the Early Family for approximately 60 acres of land from low density residential and 25 acres from light industrial to a combined 85 acres with a designation of Planned/Commercial/Industrial Development District (PCID). The subject property is located on the west side of James Madison Highway (Route 15/17/29) in the northwestern part of the Opal Service District, in the vicinity of the Quarles Truck Stop, PIN #6981-22-0297-000, #6981-01-4130-000, and #6981-12-7566-000, Lee District. Mr. Warren Early spoke in favor of the amendment. No one else spoke. The public hearing was closed. Mr. Mangum moved to adopt the following resolution. Mr. Brumfield seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. James G. Brumfield; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Larry L. Weeks

Nays: None

Absent During Vote: None

Abstention: None

RESOLUTION

A RESOLUTION TO APPROVE A COMPREHENSIVE PLAN AMENDMENT TO
THE OPAL SERVICE DISTRICT MAP #CPA97-L-05
ALAN D. & WARREN B. EARLY, TRUSTEES

WHEREAS, Alan D. & Warren B. Early, Trustees, have filed an application to amend the Comprehensive Plan by changing the designation of 85 acres from low density residential and light industrial to Planned Commercial/Industrial District; and

WHEREAS, the Fauquier County Planning Commission held a public hearing on April 24, 1997, regarding this Comprehensive Plan amendment and voted on July 31, 1997, to recommend approval of this Comprehensive Plan amendment; and

WHEREAS, the Board of Supervisors on August 19, 1997, held a public hearing on this Comprehensive Plan amendment; and

WHEREAS, the Board of Supervisors has determined that the public necessity, convenience, general welfare, or good planning practices would be satisfied by this amendment of the Fauquier County Comprehensive Plan; now, therefore, be it

RESOLVED, by the Fauquier County Board of Supervisors this 19th day of August, 1997, That Comprehensive Plan amendment #97-L-05 to change the land use designation of 85 acres from low density residential and light industrial to Planned Commercial/Industrial District on Route 29 in the Opal Service District and identified by PIN #6981-22-0297-000, #6981-01-4130-000 and #6981-12-7566-000 be, and is hereby approved.

AGRICULTURAL AND FORESTAL DISTRICT ADDITIONS AND CREATION OF A NEW DISTRICT

Orlean/Hume Agricultural and Forestal District - 7th Addition

A public hearing was held to consider the 7th addition to the Orlean/Hume Agricultural and Forestal District. No one spoke. The public hearing was closed. Mr. Green moved to adopt the following ordinance. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

Ayes:	Mr. David C. Mangum; Mr. James G. Brumfield; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Larry L. Weeks
Nays:	None
Absent During Vote:	None
Abstention:	None

ORDINANCE

AN ORDINANCE TO APPROVE THE SEVENTH ADDITION TO THE ORLEAN-HUME AGRICULTURAL AND FORESTAL DISTRICT WITHIN FAUQUIER COUNTY

Whereas, Section 15.1-1511, Code of Virginia (1950) as amended, allows additional parcels of land to be added to an existing district following the process described for the creation of a new district, and

Whereas, all requirements of Section 15.1-1511, Code of Virginia (1950) as amended have been met; now, therefore, be it

Ordained, by the Fauquier County Board of Supervisors this nineteenth day of August 1997, That the Seventh Addition to the Orlean-Hume Agricultural and Forestal District Ordinance be, and is hereby, adopted as follows:

(1) That this addition is land which requires conservation and protection for the production of food and other agricultural and forestal products and as such is a valuable natural and ecological resource providing open space and clean air and adequate safe water supplies and other aesthetic purposes and is therefore valuable to public interest.

(2) That this Addition to the Orlean - Hume Agricultural and Forestal District is hereby established this nineteenth day of August 1997, in accordance with the provisions of Title 15.1, Chapter 36, Sections 15.1-1513, Code of Virginia (1950), as amended.

(3) That the Addition shall consist of the following parcel(s):

NAME	PIN #	ACREAGE
Gosnell, Clarence & Barbara	6927-31-2382-000	2.32
	6927-31-4142-000	1.91
	6927-31-8524-000	15.66
	6927-50-1828-000	26.66

PIN numbers 6927-31-2382-000, 6927-31-4142-000, and 6927-31-8524-000 are hereby conditioned as follows: If any one of the three parcels are sold it will result in removal of that particular parcel from the Orlean/Hume Agricultural and Forestal District.

Seder, Arthur & Marion	6927-32-5112-000	78.5
Thomas, David & Margaret	6928-01-8471-000	55
Total Acreage		180.05

And be it, FURTHER ORDAINED, That the same conditions and restrictions shall apply, to wit:

(4) That pursuant to Title 15.1, Chapter 36, Section 15.1-1512, (b) of the Code of Virginia (1950), as amended, the Fauquier County Zoning Ordinance shall apply except as modified below. The modifications are necessary to assure that the Ordinance does not conflict with the purpose for which the District was established

(a) All uses allowed by right in the applicable zoning district(s) for each parcel shall require a special use permit except that farming and single family dwellings on a legally recorded parcel of record shall be permitted by right.

(b) Subdivisions of land as defined in Article 2.39 of the Fauquier County Subdivision Ordinance are not permitted.

(c) No special use permit shall be in conflict with the purposes for which the District was created.

(5) That these parcels qualify for land use value assessment provided that the parcels meet the criteria of Section 58-769.5 and 58-769.7 of the Code.

(6) That the owners of land within the District shall not terminate the District except in accordance with Section 15.1-1511E of the Code.

(7) That lawful termination of any owner's association in the district shall not serve to terminate the existence of the district, but the District shall continue in effect until the review required by Section 15.1-1511E of the Code.

(8) That parcels under twenty-five (25) acres shall be excluded except where exempted by the Board.

Springs Valley Agricultural and Forestal District - 8th Addition

A public hearing was held to consider the 8th addition to the Springs Valley Agricultural and Forestal District. No one spoke. The public hearing was closed. Mr. Green moved to adopt the following ordinance. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. James G. Brumfield; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Larry L. Weeks

Nays: None

Absent During Vote: None

Abstention: None

ORDINANCE

AN ORDINANCE TO APPROVE THE EIGHTH ADDITION TO THE SPRINGS VALLEY AGRICULTURAL AND FORESTAL DISTRICT WITHIN FAUQUIER COUNTY

Whereas, Section 15.1-1511, Code of Virginia (1950) as amended, allows additional parcels of land to be added to an existing district following the process described for the creation of a new district, and

Whereas, all requirements of Section 15.1-1511, Code of Virginia (1950) as amended have been met; now, therefore, be it

Ordained, by the Fauquier County Board of Supervisors this nineteenth day of August 1997, That the Eighth Addition to the Springs Valley Agricultural and Forestal District Ordinance be, and is hereby, adopted as follows:

(1) That this addition is land which requires conservation and protection for the production of food and other agricultural and forestal products and as such is a valuable natural and ecological resource providing open space and clean air and adequate safe water supplies and other aesthetic purposes and is therefore valuable to public interest.

(2) That this Addition to the Springs Valley Agricultural and Forestal District is hereby established this nineteenth day of August 1997, in accordance with the provisions of Title 15.1, Chapter 36, Sections 15.1-1513, Code of Virginia (1950), as amended.

(3) That the Addition shall consist of the following parcel(s):

NAME	PIN	#ACREAGE
Allen M. Wilson	6961-79-5691-000	55.5 acres
A. Ahmad Pirasteh	6961-89-5738-000	68.0901 acres

PIN numbers 6961-79-5691-000 and 6961-89-5738-000 are hereby conditioned as follows: If any one of the three parcels are sold it will result in removal of that particular parcel from the Springs Valley Agricultural and Forestal District.

Total Acreage	123.5901
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And be it, FURTHER ORDAINED, That the same conditions and restrictions shall apply, to wit:

(4) That pursuant to Title 15.1, Chapter 36, Section 15.1-1512, (b) of the Code of Virginia (1950), as amended, the Fauquier County Zoning Ordinance shall apply except as modified below. The modifications are necessary to assure that the Ordinance does not conflict with the purpose for which the District was established

(a) All uses allowed by right in the applicable zoning district(s) for each parcel shall require a special use permit except that farming and single family dwellings on a legally recorded parcel of record shall be permitted by right.

(b) Subdivisions of land as defined in Article 2.39 of the Fauquier County Subdivision Ordinance are not permitted.

(c) No special use permit shall be in conflict with the purposes for which the District was created.

(5) That these parcels qualify for land use value assessment provided that the parcels meet the criteria of Section 58-769.5 and 58-769.7 of the Code.

(6) That the owners of land within the District shall not terminate the District except in accordance with Section 15.1-1511E of the Code.

(7) That lawful termination of any owner's association in the district shall not serve to terminate the existence of the district, but the District shall continue in effect until the review required by Section 15.1-1511E of the Code.

(8) That parcels under twenty-five (25) acres shall be excluded except where exempted by the Board.

Red Oak Mountain Agricultural and Forestal District (New District)

A public hearing was held to consider the formation of the Red Oak Mountain Agricultural and Forestal District. No one spoke. The public hearing was closed. Mr. Green moved to adopt the following ordinance. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. James G. Brumfield; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Larry L. Weeks

Nays: None

Absent During Vote: None

Abstention: None

ORDINANCE

AN ORDINANCE TO APPROVE THE CREATION OF THE RED OAK MOUNTAIN AGRICULTURAL AND FORESTAL DISTRICT WITHIN FAUQUIER COUNTY

Whereas, Section 15.1-1511, Code of Virginia (1950) as amended, allows for the creation of agricultural and forestal districts, and

Whereas, all requirements of Section 15.1-1511, Code of Virginia (1950) as amended have been met; now, therefore, be it

Ordained, by the Fauquier County Board of Supervisors this nineteenth day of August 1997, That the Creation of the Red Oak Mountain Agricultural and

Forestal District Ordinance be, and is hereby, adopted as follows:

(1) That the Red Oak Mountain Agricultural and Forestal District is land which requires conservation and protection for the production of food and other agricultural and forestal products and as such is a valuable natural and ecological resource providing open space and clean air and adequate safe water supplies and other aesthetic purposes and is therefore valuable to public interest.

(2) That the Creation of the Red Oak Mountain Agricultural and Forestal District is hereby established this nineteenth day of August 1997, in accordance with the provisions of Title 15.1, Chapter 36, Sections 15.1-1513, Code of Virginia (1950), as amended.

(3) That the District shall consist of 517.73 acres and shall include the following parcel(s):

NAME	PIN #	ACREAGE
Steele, Charles & Helen	6030-04-9645-000	191.62
	6030-25-2032-000	12.62
	6020-75-7030-000	150.06
	6020-66-2832-000	163.43
Total Acreage		517.73

SPECIAL EXCEPTION - JOHN L. COLLINS, LIVING TRUST - REDUCTION IN OPEN SPACE

A public hearing was held to consider a request for special exception approval under Section 3-326 and 3-408 of the Zoning Ordinance for a reduction in the 85% open space requirement in order to divide the property into a ten (10) acre parcel and a twenty-two (22) acre parcel. The thirty-two (32) acre parcel is located on Route 735 (Keyser Road) just west of its intersection with Route 688 (Leeds Manor Road), PIN #6926-78-6919-000, Marshall District. John Collins and Carolyn Collins spoke in favor of the special exception. No one else spoke. The public hearing was closed. Mr. Green moved that decision be tabled until September 2, 1997, after a site visit to the property. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

Ayes:	Mr. David C. Mangum; Mr. James G. Brumfield; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Larry L. Weeks
Nays:	None
Absent During Vote:	None
Abstention:	None

SPECIAL EXCEPTION - CECIL & REBECCA CAMPBELL - REDUCTION IN OPEN SPACE

A public hearing was held to consider a request for special exception approval under Section 3-326 and 3-408 of the Zoning Ordinance for a reduction in the 85% open space requirement, in order to subdivide the property into three (3) parcels. The property is located on the east side of James Madison Highway (Route 17) at its intersection with Cannonball Gate Road (Route 690), PIN #6976-86-1246-000, Scott District. Jim Harris representing the Campbell's spoke in favor of the special exception. Mr. Henry Day representing Mrs.

Clements also spoke in favor of the request. No one else spoke. The public hearing was closed. Mr. Weeks moved to adopt the following resolution to deny the request due to the unnecessary loss of prime agricultural land. Mr. Brumfield seconded the motion, and the vote for the motion was 4 to 1 as follows:

Ayes: Mr. David C. Mangum; Mr. James G. Brumfield; Mr. Wilbur W. Burton; Mr. Larry L. Weeks

Nays: Mr. James R. Green, Jr.

Absent During Vote: None

Abstention: None

RESOLUTION

A RESOLUTION TO DENY SPECIAL EXCEPTION
REQUEST #SE97-S-10 CECIL T. CAMPBELL OPEN SPACE

WHEREAS, the applicants, Cecil T. and Rebecca Campbell, are requesting a special exception for an open space reduction, in order to subdivide the property into three lots; and

WHEREAS, the Special Exception Application of Cecil T. and Rebecca Campbell has been properly filed and all required notices of the public hearing have been properly made, and the applicant has presented both oral and documentary, and the staff has a filed staff report, all indicating compliance with the general standards for special exception as set forth in Article 5 of the Zoning Ordinance and the Board further finds that the more restrictive standards of Article 5-2600 of said Zoning Ordinance are met in this application; and

WHEREAS, the Fauquier County Planning Commission held a public hearing June 26, 1997 on this special exception request and recommended approval, with conditions; and

WHEREAS, the Fauquier Board of Supervisors held a public hearing on August 19, 1997, on this special exception request, and determined that the open space objective precluding the unnecessary loss of prime agricultural land in this case has not been achieved, now therefore, be it

RESOLVED, by the Fauquier County Board of Supervisors this 19th day of August 1997 That Special Exception #SE97-S-10, Cecil T. Campbell Open Space (PIN 6976-86-1246), be and is hereby, denied.

There being no further business, the meeting was adjourned.